

Superseded 7/1/2015

26-8a-310 Criminal background check.

- (1) At the time of application for, or renewal of, a certificate, the department shall obtain, at the applicant's expense, information from a criminal history record or warrant of arrest information maintained by the Department of Public Safety pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, to determine whether the individual has been convicted of a crime that bears upon the individual's fitness to be certified or to have responsibility for the safety and well-being of children, the elderly, or persons with disabilities.
- (2)
 - (a) An applicant who has not had residency in the state for the last five years shall submit fingerprints and other identifying information.
 - (b) The department shall submit fingerprints obtained under Subsection (2)(a) to the Department of Public Safety to be forwarded to the Federal Bureau of Investigation for a nationwide criminal history record check to determine whether the individual has been convicted of a crime that bears upon the individual's fitness to be certified or to have responsibility for the safety and well-being of children, the elderly, or persons with disabilities.
- (3) The department shall have access to juvenile court records to determine whether the applicant has been adjudicated in juvenile court of committing an act which if committed by an adult would be a felony or misdemeanor and that bears upon the applicant's fitness to be certified or to have responsibility for the safety and well-being of children, the elderly, or persons with disabilities if:
 - (a) the applicant is under the age of 28; or
 - (b) the applicant is over the age of 28 and has been convicted, has pleaded no contest, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor.
- (4) Information obtained pursuant to Subsections (1) through (3) may be used to:
 - (a) withhold certification or renewal;
 - (b) commence or substantiate disciplinary action under Section 26-8a-503;
 - (c) enforce the provisions of this chapter; and
 - (d) notify the individual's employer as necessary to protect the public.
- (5) The department shall adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which an applicant who has been convicted of a criminal offense may receive a certification under this chapter.